

**MINUTES OF THE CITY PLANNING COMMISSION
J. MARTIN GRIESEL ROOM**

June 4, 2004
9:00 A.M.

PRESENT: *Appointed Members:* Donald Mooney, Terry Hankner, Jim Tarbell, Caleb Faux, Jacquelyn McCray
 Community Development and Planning Staff: Margaret Wuerstle, Virginia Vornhagen, Felix Bere, Steve Briggs, Adrienne Cowden
 Law Department: Dotty Carman

CALL TO ORDER

Mr. Mooney called the meeting to order and requested that cell phones be turned off.

MINUTES

Considered and voted approval of the “minutes” of the May 21, 2004 meeting.

Motion: Ms. Hankner moved approval of the minutes.

Second: Mr. Tarbel

Vote: All ayes (5-0), motion carries.

CONSENT ITEMS

Considered and voted approval on “consent” items 1 through 3.

Motion: Ms. Hankner moved approval of the minutes.

Second: Mr. Tarbel

Vote: All ayes (5-0), motion carries.

ITEM # 4a

Remodel and re-use of an existing building located at 4914 Ridge Avenue.

This item was held over from the June 4, 2004 Planning Commission meeting. After reviewing the report, Felix Bere (Staff Planner) told the commission that the site is designated as PD32. In the old zoning code, the site would have been in a transitional 5T Zone. Under the present assignment, auto sales would be okay. Since PD guidelines are in place, Planning Commission approval is required for final site review. Staff recommends approval on the 4914 Ridge Avenue remodel and re-use as automotive sales. This remodel and re-use would be upscale when compared to the current use.

Mr. Daryl Green, the applicant, and Mr. Fred DeBra, owner of the property since 1971, were present to speak on their own behalf. Mr. Marvin Kraus, attorney for abutting property (Ridgehouse – a six story apartment building) owner had not been available for the May 21, 2004 CPC meeting and was present at this meeting. Also in attendance is Ms. Sue Ducleff, neighborhood resident.

Mr. Kraus distributed material and photos as part of his presentation on the property in question. To place the property in our minds, Mr. Kraus described driving along the Norwood Lateral and coming up to Montgomery Road, close by are Ridge, Barrow and Calvert. He described five separately owned pieces of property in close proximity to 4914 Ridge. In 2002, Oakley came under review. An IDC was set up, but when it was about to run out the Planning Department made recommendations at that time for the area to be zoned R5T, which in turn became 4 sub-areas, each with its own set of guidelines. The block in question is part of sub-area one. Mr. Kraus quoted from a report about zoning guidelines. Mr. Kraus' client was especially concerned that the parcel not be used for mechanical repair and automotive operations.

Mr. Mooney indicated to Mr. Kraus that there were guidelines listed on Mr. Bere's report. Mr. Bere reiterated that the area was in a transitional mode. Mr. Kraus read passages from a report he had included in his packet for the Commissioners. Mr. Mooney again said that he understood the approach Mr. Kraus was taking. However, as Mr. Bere had stated that this property was "transitional" and as such it would "eventually" have to come out of the "transitional" mode.

Mr. Green and Mr. DeBra again presented their architect's renderings. Mr. DeBra, at one point, indicated that within his mission statement there was a clause to the effect that there would be no mechanical automotive work done at this location. Since the beginning of the clean up of his property no such work had been done. Mr. DeBra said he felt Mr. Kraus' client would have already noticed not only the aesthetic improvement, but that no mechanical automotive work had been taking place. The truck traffic has also been reduced and that would also make the area quieter.

Ms. Susan Doucleff of the Oakley Community Council also appeared and voiced her concern over pedestrian traffic across Barrow. The street is so busy, it is even difficult for her to pull her car out into traffic, thus increasing her concern for the employees who park on one side of Barrow and must cross this street to get into the shop. Mr. Mooney asked Mr. DeBra if any major pedestrian accidents had occurred. Mr. DeBra responded in the negative.

Mr. Green spoke to the issue of lighting, which both Ms. Doucleff and Mr. Kraus questioned. Mr. Green said that he had several discussions with Mr. Bere and that the lighting would be installed as required by code and not cause a problem to the neighbors. These discussions had also included Mr. Keller, landscaper, and the issue of signage. Mr. DeBra and Mr. Green were both open to discussion with Mr. Kraus, his clients and Ms. Doucleff to prevent any problems. However, the business, as far as the owner was concerned, would become much more attractive to the eye as they progressed. The pedestrian crossing and parking, Mr. DeBra felt was a matter for the City Police.

Ms. Hankner agreed about the traffic and the pedestrians, but felt that was a minimal problem compared to improving the neighborhood with a more attractive building, landscaping and a less noisy business.

Motion to approve: Ms. Hankner moved approval

Second: Ms. McCray

Vote: All ayes (5-0), motion carries.

Mr. Faux asked if the community would want to set up a no mechanical clause. Ms. Carman, as City Solicitor, stated that a clause could be inserted to that effect. Ms. Hankner said that she would accept that amendment. The motion was passed with the amendment to the effect that "no automotive mechanical repairs would handled at this location".

Mr. Mooney suggested we skip Item #4 (Clifton/Funeral Home) and return to it after Items #5 and #6 since they did not have anyone signed up to speak and Item #4 had many speakers. Taking into consideration the number of “speaker request” cards we ask everyone involved in the issue be ready to speak, but please be brief.

ITEMS #5 AND #6

Item #5 Approving and authorizing the sale of City-owned property located at 15-25 W. Fourth Street and 27 W. Fourth Street

Item #6 Authorizing the City Manager to enter into and execute an amendment and Restatement of an agreement with Fourth and Race Limited Partnership.

Adrienne Cowden presented Items #5 and #6 regarding a lease between the City and Madison Marquette and Frisch’s for 4th & Race redevelopment. Redevelopment would include parking and condos at the McAlpin and Newstedts locations. This would allow for leasing West 4th for street level businesses and potential condos in the upper floors.

Mr. Diller had information regarding their plans for the façade. He particularly noted the curved inset in the presentation and stated it was part of the original building and would stay intact. The financing is now available to their company and they are ready to go forward with the project. Madison Marquette has been in constant dialogue with the City. They will purchase the McAlpin’s and Newstedt Loring buildings. Mr. Stracha stated it was important to keep the historical look, and they planned to maintain that aspect. They plan on putting in 70 parking spaces in the basement, but only 50spaces off of Ogden Alley. The first floor would be used to accommodate 20 parking spaces. MM also asked for a curb cut.

Motion to approve: Mr. Faux moved approval of the Item #5 and Item #6
Second: Ms. McCray
Abstention: Ms. Hankner
Vote: All ayes (4-0), motion carries.

ITEM #4 Proposed creation of an Interim Development Control Overlay district (IDC District) including seven parcels and two buildings-located on the east side of Clifton Avenue between Hosea Avenue and Senator Place in Clifton

Adrienne Cowden (Staff Planner) passing out material, including e-mail staff received on the project. Mr. Mooney explain that the Commission would hear from staff first followed by proponents and then opponents of the IDC overlay district that was introduced by Councilman Smitherman on May 13, 2004. This IDC District would include seven parcels and two buildings; the two buildings would include the former Anderson, Baiter & Sahn Funeral Home at 3412 Clifton Avenue and the Clifton United Methodist church at the corner of Hosea and Clifton. Pursuant to Section 1437 01, an IDC District is intended to temporarily regulate the establishment of uses, construction of buildings and demolition or alteration of existing structures in the area, or when amendments to the Cincinnati zoning codes have been proposed by a comprehensive plan, community plan, urban design plan or urban renewal plan approved by the Planning Commission.

The proposed IDC district includes property that is proposed for redevelopment by Jack Brand. His first proposal was submitted on February 12, 2004 under the old zoning code. That development permit application was ultimately rescinded. In addition, Mr. Brand also submitted applications for permits, which were granted. However, it was Adrienne's understanding there is a 60-day stay on those permits given by the Department of Buildings and Inspections. The background was outlined in the staff report, which the detailed meetings that were held including a design charette that was sponsored by the Clifton Council on May 8, 2004. The minutes from that meeting are attached to the staff report. The discussion included three areas outlined in the Staff report: plans, the zoning code, as they currently are applied and historic conservation issues. Plans were discussed first.

The zoning code indicates that there should be an amendment to the zoning code proposed in an approved Plan. Staff went through what had been approved by the City Planning Commission in the past. In terms of Plans, there were two that had been adopted by the City Planning Commission; the first is the Clifton Neighborhood Business District Urban Design Plan, which was adopted in 1978, and the Clifton Community Plan, which was adopted in 1982. These Plans are obviously over 20 years old. They were based on land use patterns that were in existence during that time. In addition, they were established under the old zoning code. As of February 13th of this year we have a new zoning code. So there is different zoning for this portion of Clifton. Mr. Mooney asked what the zoning is for this particular property. Adrienne stated that for this particular property it is CNP-Commercial Neighborhood Pedestrian and it is the most restrictive of our commercial sub-districts. It reflects a greater mix of uses, both existing and available to neighborhood business districts, such as Clifton and it allows a variety of uses, including restaurants with outdoor entertainment, as well as single, two and multi-family residences.

There is a second zoning issue in this area. There is the Urban Design overlay district #2 and that's the Clifton Business District and that overlay imposes additional restrictions on developments. Standards for signage, awnings, eating and drinking establishments, renovations and new construction and demolition are all a part of that overlay district. At this point no text or map amendments to the zoning code are under consideration by the City Planning Commission for this area. We haven't received any requests for a zoning re-classification study and in addition we haven't received any requests for a local designation study for an historic district. These are the requirements of zoning code to establish an interim development control district and are the basis of the recommendation staff made to the City Planning Commission.

Letters that were received by the Staff from the neighborhood are included in the package. No map amendments to the Cincinnati Zoning Code have been proposed in comprehensive urban design, urban renewal or community plan approved by the City Planning Commission and the City Planning Commission is not considering any zoning text or map amendments for subject area in Clifton.

The second part of the Staff recommendation, is that the application be re-considered at the request Clifton Town Meeting, the Business and Professional Association if discussions between those organizations and the developer terminate.

Mr. Mooney stated that we have been asked to consider the IDC. If you are going to persuade me to look for an IDC you are going to have to explain to me how it should be rezoned to a more restrictive then we already have.

Mr. Faux: the zoning typically says there are certain conditions that must be met in order to establish an IDC and essentially what you are saying is that none of those conditions are being met. Therefore, unless we can demonstrate that the request meets these criteria we would have no legal basis and must oppose this request. Mr. Faux says that the basic premise is that none of the conditions are met and we have no legal basis to grant an IDC. Mr. Mooney suggested that we hear from proponents of the IDC, first Mr. Ramundo.

Mr. Ramundo: The portion of the zoning code under question is under Section 1431 05- C. Public interest, "the protection of the public interest requires that interim development controls be proposed during the period of study and review by the City Planning Commission. Also under the UD section of the zoning code and Clifton's plan is a part of that UD section. I have two maps if I may approach to show you the issue, this map here was right out of the '82 plan and what you see in red is what that plan calls for (passing out material). Now that's been called for a very long time, and obviously you're going to be asked why didn't Clifton go ahead and do it? Well that is a good question. The developer was a partner in charge of the Clifton Town Meeting for a substantial portion of this time. There is another answer too; Clifton has never had the opportunity. This is the best opportunity Clifton has had since Hosea was closed in the early 80s. The properties are privately held and none of them have never been up for sale, including this property. This property never did not go up for public sale.

Let me show you my other map. This is the exact same document you have and you will notice what happens to the red zones, by what is shown in purple. Now what's going to happen to Clifton plan is that the long-term objective of getting more parking for that business district is going to be gone forever if the developer goes forward with his plan. It is going to be gone forever and there is no possible way that we will get it back. It is so serious and so critical to the business district. I got this letter yesterday from Andrew DeWitt and if I can read it. You guys probably all got it. Mr. Mooney asked if this was the guy from Dewey's. Mr. Ramundo said yes this was the Dewey's Pizza guy. On his actual stationery, Mr. DeWitt said the parking issue was so serious for Clifton that Dewey's Pizza is willing to join the community and throw their lot into this mix and try to get that entire area for public parking. Mr. Tarbell asked if the gentleman is here. He stated if not, then he suggested we not speak for anybody unless that person is present. Mr. Ramundo asked if we could use his letter. Mr. Tarbell said you can use whatever you want but based on what you've communicated to some of us, I think you ought to be more careful about who you claim to represent here. Mr. Ramundo acknowledged the comment and continued. In addition, I have with me close to two to three hundred signatures here and in addition to that I have pledges for \$15,000, and we haven't even started fund raising yet. It is an extremely serious issue.

Mr. Tarbell: Mr. Chairman maybe I should address that before we go too much further. You have misrepresented my position in your e-mail. I told you that ordinarily I would come out in favor of the representative organizations in the district. You took my e-mail to you and turned it around as being supportive of your position. Mr. Ramundo stated that he quoted Mr. Tarbell's e-mail in its totality to all the people in Clifton. Mr. Tarbell said that's fine but your interpretation of my e-mail is totally false.

Marilyn Highland spoke next: Good morning I am Marilyn Highland. I am a former Clifton Town Meeting Board Member from 1984 to 1990. I was the Vice President of a corporation and developer of the marketing strategy that enabled Clifton to work together so we could successfully not only win the zoning issues, because if we hadn't won the zoning issues we wouldn't have been able to raise over \$500,000 to put the Esquire back in business, which is today the heart and soul of

the Clifton business district and this neighborhood. The City partnered with us to the Ohio Supreme Court to win our right to determine the desired mix as well the big fast food restaurants as inappropriate for the Clifton neighborhood. I bring that up because it is based on a long history of Clifton's participation in our Planning process to create the neighborhood we all enjoy and that the City of Cincinnati enjoys for everybody to participate in everyday.

Clifton won, with your help in 1976 an IDC to allow us the time to work with the developer to prevent Burger Chef from tearing down the Roanoke Apartments and out of that IDC we've developed our EQ suggestions. And those suggestions were what we had to fight the Supreme Court on in 1987 and the City was co-counsel with us when we won that fight. Having done the Clifton Town Meeting for six years and having done the Roanoke and after having done the Clifton Town Meeting when the City wanted to widen Clifton Avenue and Clifton residents fought vigorously the planning process saying that if people want to go fast they can go around us. We want to keep Clifton to a real human scale neighborhood that we can enjoy. I am asking you to consider today the IDC to get to where we all believe is the best place for the future of Clifton. The letter that was written to you from the President of the Clifton Town Meeting and from the President of the Business Association was not based on actions by either one of those organizations. That's very serious. A lot of this staff report is based on their positions. I think that is a very serious misrepresentation of all the citizens of Clifton and it is unfair to you to have to base a report or an action on something that is their personal opinion. In fact, the application for the demolition of this property and the proposed drive thru restaurant or another one story restaurant was submitted the day before the zoning changes occurred with no prior communication with Clifton Town Meeting.

It was only by chance that one of the people who had been on the Clifton Town Meeting got a notification. We took it on ourselves to put a flyer throughout Clifton on a Sunday and the next day over 250 came to the Presbyterian Church outraged that a drive thru restaurant was being proposed. We ask Clifton Town Meeting to asked Patrick Borders, to hold a design charette so that we could begin the process of mutual participation. Clifton Town Meeting didn't suggest it, citizens asked for that meeting. Clifton Town Meeting has not had a meeting since the IDC was proposed. Our meeting is Monday night. There was no chance for you to get the full benefit of the peoples collective visioning. I would like to also say that at this time I have a letter from the President of Columbia Savings and Loan. We have a number of residents, as we did with the Esquire, interested in forming a 501.C3 for the purpose of trying to preserve the building, to acquire the property and to be able to utilize the 60 plus spaces as a collective community parking lot.

Mr. Mooney addressed Marilyn in that there are quite a few other people that have signed up, why don't we have you wrap up.

Ms. Highland: The President of the Columbia Savings & Loan which I want entered into the record stating that he will do what he did with Kennedy Heights and that is accepting certificates of deposits in increments of \$500 to be used as collateral against the mortgage. So I think it is critical for you to understand that we have in motion a way of raising the money and acquiring the property. Thank you.

Mr. Mooney called Lisa Story forward. My name is Lisa Story and I own Sitwell's Coffee House which is on Ludlow Avenue. I am former President of the Clifton Business Association and I am still on the Board of the Clifton Business Association and I got involved in this mainly because my concern is for the business district and that we maintain its unique character and its pedestrian

nature and the desirable mix that we already have. The original plan was wholly unacceptable and once we got the people involved there was so much interest in trying to go forward and with trying to acquire the property. We had asked Jack Brand, the developer, if it would be possible to buy the property. He said yes we could buy it from him but he named a number that was pretty astronomical. We would like to buy the property because we would like to have parking which the business district needs very badly and the City has many times agreed with us on that point. When the Esquire Theater expanded and opened three new screens they took over most of the parking in our current merchant lot and the City promised us that we would get 60 new parking spaces paid for in our parking development that we were planning.

The current merchant lot fell through, so we just want to make the point that we do not feel that the business district will be able to remain viable as long as we do not have any more parking, because as it is, we are having a hard time convincing businesses to come to the neighborhood because there isn't any additional parking. We feel like the plans that the City has had in the past with Clifton to turn that area into a community parking lot are ones that we are willing to work towards. Also, I did want to say that as a member of the Clifton Business Association, I nor any of the other people that I asked on the Board were consulted at any point about what the Business Association's position would be on this matter. Therefore, the letter, the e-mail that was sent, was sent without any knowledge of any member of the Business Association. Therefore, it is only Paul Salamone's personal opinion as he signed that letter.

Mr. Mooney, Nancy Rexroth please come forward. Ms. Rexroth, rather than repeat things I would like to say I agree with Ms. Highland.

Tom Davaron was called forward. He has a rental property on 255 Hosea, which is directly across the street from the proposed development. He is on the east side of the wall that dead-ends Hosea, the second building. I was one of the people who received a notice that the zoning was changing. I don't know how many people got those notices, but clearly it was enough that people thought my property would be impacted. I also happen to live in or around the neighborhood. As far as public interest goes, I don't believe that a business here is good for the neighborhood because we have some traffic concerns and litter issues that are insurmountable, daily litter issues and adding two restaurants here would not be a great thing. One of the issues that I heard was that we need more housing or we need more rental property in this neighborhood. If that were true then I wouldn't have vacancies and there wouldn't be "for rent" signs all over the neighborhood. It is a viable market, I am doing okay, but certainly we don't need more rental property. We do need parking; we do need a way to control the traffic that goes through that intersection. I have two very small kids, they are two and one and I have to walk on the street side of the sidewalk because I am terrified that someone is going to come over that there and kill them. Adding businesses on the other side, farther down Clifton Avenue is going to render that intersection deadly.

The second point I wanted to make was in terms of public interest. When they were talking about that development on Ridge Road, you said that we should preserve viable existing parts of our city. They should be preserved for everyone and it was seconded by just about everyone on this committee. It seems to me that this is a viable existing part of our city. Maybe it doesn't apply to this, but this is a very important barrier between the business district and the residential district. There are no businesses is my point that side of Hosea and I feel that if we encroach down that road we will be on a very slippery slope. One of the comments recently made was that Clifton is the closest thing to what a downtown should be. It's a neat feeling neighborhood. I don't want to impeach Jack's architectural credibility but I've seen some of the buildings he's built, they are

beautiful, they're nice, they're new but they don't have the architectural integrity of our neighborhood. That is one of the reasons when you drive through that neighborhood; you say "Wow" these are incredible buildings.

Louise Beltman was called but she responded that she had nothing to add.

Carl Salidadino was called forward. My wife and I own a house at 241 Senator Place since 1967 and in the time that we have lived there, the traffic has gotten horrendously bad. You cross Clifton and Ludlow and it practically like taking your life in your own hands, I am not exaggerating, it is really bad. People go zooming up and down. Another point I've spoke Ned to Jerry Hill who is the pastor of Clifton Methodist Church and he said for him ideally it would be nice if this were some sort of community building, he could use the space. And the other thing is the aesthetic sensitivity. If the new building is going to go all the way to the sidewalk line, I don't understand why you would want to have oversized cork jammed into this bottleneck of a street. Other than that I have no other comments.

Ellen Bierhorst please come forward. We have a short photo essay (she passed around a report). She began reading the text part. Thank you for allowing us to come down here. We care about Clifton. I'm speaking to the issue of protecting the public interest for this IDC. These photos were taken yesterday. My understanding is the Clifton Town Meeting is overburdened and is afraid of being overextended because there are other important Clifton issues. That's why I am sure that Patrick Borders thinks that we should not pursue the option of private groups organizing to purchase the property. We are trying to organize the private sector, but we need a little time. In fact it said in the report of the charette that the charette supported the idea that groups could organize a purchase. Any commercial developer, by my understanding, is going to have to tear down that building and put up a large building such as the one Jack presented to us at the charette. So looking at photos 3, 4 and 6 as we stand on the opposite side of Clifton Avenue looking towards the red brick building you can see by the four story building such as the one proposed by Jack Brand would be at least as tall as the top of the roof of the church, the top of the ornament. (Ms. Hankner had to leave). It is easy to see that the scale of the two buildings, the funeral home and the church is the same. The church appears to be somewhat bulkier than the funeral home. Also note the large deciduous tree. Any construction at this site would destroy this tree.

Looking at photo #2. In this photo I have drawn lines indicating the height. Anyone can see that the size of the proposed building dwarfs the church, destroying the unity of scale on the entire block. The aesthetic disaster motivates us to great efforts to preserve the existing funeral home building. In photo #5 we can see that front corner of the proposed building located close to the trunk of the big tree would from this angle block all view of the church as one approaches from south of Ludlow Avenue. Continuing north you would suddenly see the church as you came upon it looking like it was down in a well, next to the large proposed building. By contrast the grass in front of the existing building and the view it offers of the church provides a pleasing transition into the residential part.

Photo #1, as you look at this photo imagine the bulk of the proposed four story building coming within a few feet of the sidewalk dwarfing both the church in the foreground and chili parlor building at the corner of Clifton and Ludlow. So in conclusion the only way to preserve the scale and the charm of this important spot in Clifton is to retain the existing building. Concerned residents need time to organize our efforts to purchase this property. Ms. Bierhorst handed over the text for the photos.

Mr. Faux asked Adrienne if a demolition permit had been applied for, Adrienne said yes. And Mr. Faux asked that if the demolition permit had been stayed. Adrienne, again said yes. Mr. Faux asked on what basis. Adrienne said that it was her understanding that it was requested by Clifton Town Meeting and that Jack Brand agreed to that suggestion. Mr. Faux said, so it is a voluntary agreement to hold off. My question is “would we have any legal authority, whatsoever to impose the stay?” Dotty Carman indicated no. That’s not historic preservation in Clifton. It was a voluntary agreement to hold off.

Adam Highland came forward to speak. Mr. Highland said he would try to keep it short: Mr. Mooney indicated that Mr. Tarbell would have to leave soon. If he leaves we will not be able to act because of lack of a quorum. Mr. Highland indicated that Clifton needed the parking because it would be important to merchants on Ludlow which are going to face serious parking problems when Clifton Heights gets their “Disneyland” project. They are going to have numerous parking spaces in Clifton Heights and people will choose that business over Ludlow’s business district in a couple of years. I think that if we don’t have parking in Clifton, people will just decide that they can go someplace else faster and easier. Also, the two churches have used the parking behind the Anderson Funeral Home; the Presbyterian and the Methodist and when that is taken away that may hurt the two churches. A lot of the people may not be able to park there easily and may not want to attend those churches. Also the parking will be taken up throughout the community because those churches have limited parking. Anderson has been sharing their parking for years. I would also like to say the property is a transition that issue6 has already been covered. We don’t need new urbanism replacing original old urbanism.

Mr. Mooney called for Diane Young to come forward. Very quickly I live on Hosea Street, please don’t take away the barrier zone. At the moment the barrier prevents the traffic. What has happened because of lack of parking accessibility, all of these cars park on Hosea. Parking is very often a problem. In my own driveway I have had to call the police because cars have parked over my driveway. Parking is just impossible on our street. I ask you also because when we first heard about this just a few days ago and somebody came around with a petition and a group of neighbors from Hosea were standing out and every single one of us pledged money immediately including renters because we believed that this would be a terrible thing and would kill the character of the area. Thank you sir.

Mr. Mooney called Tim Bushnell forward to speak. Mr. Bushnell lives at Telford and Bryant Streets; and has been a resident in Clifton for five years. An Economist by training, he wanted to make some points. First I would like to say something about the historical character of the building. It’s not of particular historical significance, yet it’s the first building on the right as you proceed up Clifton Avenue from the intersection that is the central focal point of the community. Each of those corners has a very significant building which has been a subject of artwork and focus of community activities. Also as you proceed up that street you notice that it provides a nice, soft serene kind of quality to the skyline parking lot. The proposed development will be just a patch of concrete, large building, built block line to block line on that site. Parking in the past in the Clifton community is not just a function of the number of spaces but also the efficiency in which they are used. Getting in and out of the parking lot you have to make a three point turn to escape the parking lot and it can become dangerous with lots of pedestrians there.

Another thing I would like to say is that the letter from Patrick and Paul does not represent groups as far as we can tell. I personally talked to members of the Clifton board and there was no

consultation as far as we know. Finally, I am quite aware of the idea that the market should determine the use of the property. Those who come up with the most resources to pay for the property would have the best and highest use in mind. That's fine if you are talking about developers combining with each other to create the best and most profitable plan for the property. However, we are talking about developer's versus community. Its not a fair and level playing ground. We received a very, very late last minute notice that the property was even available and it takes obviously a lot of effort to mobilize hundreds of citizens who are concerned. Here we are at a historic juncture where you have a historic property which has been there for ninety or a hundred years and now you want to change the character of this property for another hundred years. It seems logical to take a few extra weeks or months to see which is the best plan. The second plan is much more improved over the first and may indeed satisfy the zoning requirements.

I am very hopeful that if you work with us we can develop a plan that is a lot better than the first plan. However there are five or six reasons why the second plans that we worked with Jack on would be sort of what we really want for the community in terms of the parking and keeping the character and the architecture. We need to have a chance to put this together. We have remarkable progress in two weeks. I think we should try every available means to see what the community can come up with and indeed I haven't seen strong expressions of support for the building that Jack wants to build. I have seen an out poring of concerns for what may happen if that building is built. Thank you very much.

Mr. Mooney: We've heard from all of the proponents of the IDC. Now we will here from the opponents.

Mr. Faux: Mr. Chair, before we do that, I would just like to get a clarification from our legal council on a point of law. The Zoning code stipulates three conditions under which IDC can be approved. We must meet all three to impose an IDC. It may well be in the public interest but in reality we have not met the legal requirements. So we really have no authority to do this. My point Mr. Chairman is in reference to the other two conditions not being met under IDC regulations. Unfortunately, I would move that we deny approval.

Mr. Mooney: Basically what that means is that no one has come foreword and said we need to zone it a different way, such as residential. I think it would be a stretch to say what's always been a commercial property should become residential. But that's where we are. There may be another way to approach it, if you got a council member to propose residential.

Motion:	Caleb Faux moved to approve the staff recommendation and deny the placement of an IDC on the subject property
Second:	Jackie Mc Cray
Vote:	All ayes (5-0), motion carries.

ITEM #7

A report and recommendation on an application for construction of parking lot and detention located at 1199 Edison Drive within Planned Development (PD) District No.1 in the community of Bond Hill.

Motion:	Jackie Mc Cray moved approval
Second:	Caleb Faux
Vote:	All ayes (5-0), motion carries.

ITEM #8

A report and recommendation on a new building and parking lot to be constructed on 25 acres at 6700 Steger Drive in Planned Development District No. 1, TechSolve (IAMS) Business Park.

Motion: Jackie McCray moved approval of the minutes.
Second: James Tarbel
Vote: All ayes (5-0), motion carries.

ADJOURNMENT

With no further business to consider, the meeting was adjourned.

Margaret A. Wuerstle, AICP
Chief Planner
Department of Community
Development & Planning

Donald Mooney, Chair
City Planning Commission

Date: _____

Date: _____

** FOR ADDITIONAL INFORMATION ON ANY AGENDA ITEM, PLEASE CALL 357-2885 **